REMARKS

The specification and drawings have been amended to correct minor typographical errors. New claims 27-30 have been added to encompass the full scope of protection to which the invention is believed to be entitled. No new matter has been added—the new claims are fully supported by the disclosure at specification page 12, line 3 through page 13, line 20. Support for amendment to drawing Figure 4B is found at specification page 8, lines 20-24.

Claim Rejections—35 USC §102

Claims 1-7 and 9-15 stand rejected under 35 USC §102(e) as being anticipated by United States Patent No. 6414801 Roller. With respect, Roller does not disclose the elements of Claims 1-7 and 9-15, so the rejection is unsupported and should be withdrawn. The Examiner's attention is drawn to MPEP §2131 which provides:

> A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required." In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Specifically, concerning claim 1:

- The Examiner says Roller discloses "a sealed housing (see fig. 2) having a downwardly-directed light emitting aperture." However, Roller does not mention a "sealed" housing, nor is a "sealed" housing evident in Roller's drawings.
- The Examiner says Roller discloses "a plurality of light-emitting diodes (81) mounted within the housing on the heat sink 30." However, Roller's light-emitting diodes 41 are mounted on first board 40, *not* on heat sink 30 (see fig. 2 and column 8, lines 35-37). Similarly, Roller's light-emitting diodes 81 are mounted on second board 80, *not* on heat sink 70 (see fig. 2).
- Roller's first and second support members 30, 70 function as heat sinks (see column 5, lines 11-12 and column 6, line 3) but they are not "spaced from an internal wall or ridge (31) of the housing to define a cable raceway between the heat sink (30) and the housing" as stated by the Examiner. At column 8, lines 50-52 Roller says "Connecting member 50 also serves as a conduit for the electrical connecting wires connecting circuit board 20 to the second board 80." It is thus apparent that Roller's heat sinks 30, 70 do not define a cable raceway as stated by the Examiner—Roller's cable raceway is inside

connecting member 50 (or is alternatively defined by providing a grooved channel in connecting member 50—see column 6, lines 17-20). The Examiner's analysis requires that the cable raceway be located between heat sinks 30, 70 and ridge 31, but Roller discloses no space between those parts and in any case he does not run wires through any such space.

Since Roller does not disclose each and every element as set forth in claim 1, the 35 USC §102(e) rejection of claim 1 is unsupported and should be withdrawn.

Claims 2-7 and 9-15 are directly or indirectly dependent on claim 1. Therefore, the 35 USC §102(e) rejection of those claims is also unsupported and should be withdrawn.

Moreover:

- Regarding claim 3, the Examiner says Roller discloses an assembly having "an anti-reflective coating or polycarbonate on each one of the lens (101)." However, Applicant finds no mention or suggestion of an "anti-reflective" characteristic or of any "coating" in Roller. Since Roller does not disclose each and every element as set forth in claim 3, the 35 USC §102(e) rejection of claim 3 is unsupported and should be withdrawn.

- Regarding claim 4, the Examiner says Roller discloses an assembly having "an anti-reflective coating or polycarbonate on each one of the reflector (71)." However, Applicant finds no mention or suggestion of an "anti-reflective" characteristic or of any "coating" in Roller. Since Roller does not disclose each and every element as set forth in claim 4, the 35 USC §102(e) rejection of claim 4 is unsupported and should be withdrawn.

- Regarding claim 5, the Examiner says Roller discloses that "the reflectors (103) are formed of a high refractive index material (col. 3, lines 30-32)." Roller's text at column 3, lines 30-32 reads:

  > "A catadioptric light assembly is that which both reflects and refracts light. The catadioptric light assembly of the instant invention further includes a control circuit board, a first set of LEDs secured to a first board."

  This passage does not mention or suggest "high refractive index material," nor does Roller make any other mention or suggestion of the refractive index—high, low, or otherwise—of any material. Since Roller does not disclose each and every element as set forth in claim 5, the 35 USC §102(e) rejection of claim 5 is unsupported and should be withdrawn.

- Regarding claim 6, the Examiner says Roller discloses that "the high refractive index material is polycarbonate (col. 6, lines 40-47)." Roller's text at column 6, lines 40-47 reads:

> "The collimator may be constructed of any suitable rigid transparent material, including glass. In a preferred embodiment, the reflective surface is a mirror. In a preferred embodiment, the collimator is constructed of a transparent rigid plastic material. Most preferred is a collimator that is constructed from polycarbonate or acrylic plastic. In a preferred embodiment the shape of the collimator is a piano (*sic*, read 'plano') convex condensing lens."

This passage mentions polycarbonate, but only in relation to Roller's collimator—not in relation to Roller's reflector. Since Roller does not disclose each and every element as set forth in claim 6, the 35 USC §102(e) rejection of claim 6 is unsupported and should be withdrawn.

- Regarding claim 7, the Examiner says Roller discloses "for each one of the lenses (103) and an adjacent one of reflectors (103), a refractive index matching compound applied between one of the lenses and the adjacent one of the reflectors (1013)." However, Applicant finds no mention or suggestion of refractive index, or refractive index matching, or of a "refractive index matching compound" in Roller. Since Roller does not disclose each and every element as set forth in claim 7, the 35 USC §102(e) rejection of claim 7 is unsupported and should be withdrawn.

- Regarding claim 9, the Examiner says Roller discloses that "the reflectors (103) are formed of a spectrally selective filter material." However, Applicant finds no mention or suggestion of spectrally selective filtration or of a "spectrally selective filter material" in Roller. Since Roller does not disclose each and every element as set forth in claim 9, the 35 USC §102(e) rejection of claim 9 is unsupported and should be withdrawn.

- Regarding claim 10, the Examiner says Roller discloses that "the spectrally selective filter material is a deep dyed polyester." However, Applicant finds no mention or suggestion of spectrally selective filtration or of a "deep dyed polyester material" in Roller. Since Roller does not disclose each and every element as set forth in claim 10, the 35 USC §102(e) rejection of claim 10 is unsupported and should be withdrawn.

- Regarding claim 11, the Examiner says Roller discloses that "the spectrally selective filter material is a spectrally selective thin film filter material." However, Applicant finds no mention or suggestion of spectrally selective filtration or of a "spectrally selective thin film filter material" in Roller. Since Roller does not disclose each and

every element as set forth in claim 11, the 35 USC §102(e) rejection of claim 11 is unsupported and should be withdrawn.

- Regarding claim 12, the Examiner says Roller discloses "a holographic diffusion lens for uniformly distributing through the aperture the light emitted by the light-emitting diodes (10)." At column 7, lines 12-22 Roller states:

> "In a preferred embodiment, the controlling lens contains distributive pillow optics to distribute the light directed to the lens in an even manner. In an alternate embodiment, the reflective surface that is integral with second support member distributive pillow optics to distribute the light emitted from the first collimator in a manner such that the lens may be smooth or free from distributive pillow optics at its outer portions. However, the inner portion of the lens that is directly in front of the second board and second collimator preferably is pillowed so as to distribute and diffuse the light emitted from the second set of LEDs."

"Pillow optics" are not equivalent to a holographic diffusion lens. As understood by Applicant, the term "pillow optics" is uniquely used in the automotive lighting industry to describe a lenticular lens array of the type used in vehicle taillights. By contrast, holographic diffusers are submicron-scale, randomized, surface relief microstructures which are mastered using holographic techniques. Applicant finds no mention or suggestion of a "holographic diffusion lens" in Roller. Since Roller does not disclose each and every element as set forth in claim 12, the 35 USC §102(e) rejection of claim 12 is unsupported and should be withdrawn.

- Regarding claim 13, the Examiner says Roller discloses that "the holographic diffusion lens further comprises a structured surface prismatic film." At column 5, lines 59-64 Roller states "In a second alternate preferred embodiment, an additional element, such as prisms or pillows or a combination of prisms and pillows, may be added to the light directing elements of the collimator so as to collect and distribute some of the light emanating from the extremes of the LEDs." See also column 6, lines 49-54. However, prisms or pillows or a combination of prisms and pillows are not equivalent to a holographic diffusion lens. The Examiner's attention is respectfully drawn to United States Patent No. 5,534,386 Petersen *et al* for details of the construction and operation of holographic diffusers. Moreover, Applicant finds no mention or suggestion of a "structured surface prismatic film" in Roller. Since Roller does not disclose each and every element as set forth in claim 13, the 35 USC §102(e) rejection of claim 13 is unsupported and should be withdrawn.

- Regarding claim 14, the Examiner says Roller discloses "a variable transmissivity filter or lens (101) for uniformly distributing through the aperture said light emitted by said

light-emitting diodes." However, Applicant finds no mention or suggestion of variable transmissivity filtration or of a "variable transmissivity filter" in Roller. Since Roller does not disclose each and every element as set forth in claim 14, the 35 USC §102(e) rejection of claim 14 is unsupported and should be withdrawn.

- Regarding claim 15, the Examiner says Roller discloses that "the ceiling has an H-Bar configuration and wherein the housing is sized and shaped for snap-fit engagement within the H-Bar configuration (see figs. 1-6)." However, Applicant finds no mention or suggestion of any "ceiling" or "H-Bar configuration" in Roller, which is not surprising since Roller is concerned with vehicle running lights, not clean room or other ceiling light fixtures. Applicant also finds no mention or suggestion of any sizing or shaping for snap-fit engagement in Roller. Since Roller does not disclose each and every element as set forth in claim 15, the 35 USC §102(e) rejection of claim 15 is unsupported and should be withdrawn.

Claim Rejections—35 USC §103

Claims 16-17 stand rejected under 35 USC §103(a) as being unpatentable over United States Patent No. 6414801 Roller in view of United States Patent No. 5205632 Crinion.

The Examiner's attention is drawn to MPEP §2143.01 which provides:

> The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)

- Regarding claim 16, the Examiner says:

> "It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the catadioptric LED assembly of Roller ('801) with the magnetically attachable to the room disclosed by Crimion ('632) for the benefit and advantage to provide a task light including a base releasably securable to the support surface, because the base includes the magnetic attachment substrate secured thereto whereby the task light maybe secured below an iron base surface commonly steel and maintained thereby the magnetic attachment substrate."

With respect, neither Roller nor Crinion provide any teaching, suggestion or incentive supportive of the combination suggested by the Examiner. At column 8, lines 3-13 Roller states:

> "The attachment member, constructed of a transparent and rigid material such as plastic, so as to support the second board and second support member in place during the rigorous environmental conditions to which daytime running, parking and indicator lamps are subjected. These rigorous environmental conditions include vibratory stress from the operation of the automo-

bile, truck, tractor-trailer or other commercial vehicles on the roadways, weather-related stress including rain, sleet, heat, sun and snow, and physical stress caused by stones and other debris striking hitting the lamps."

By contrast, at column 5, lines 18-20, Crinion states:

"The magnetic substrate...allows easy relocation for changing needs."

Easily relocatable magnetic attachment is clearly inappropriate for use in the rigorous environmental conditions identified by Roller. Since the cited prior art provides no apparent reason for one of ordinary skill in the art to make the combination suggested by the Examiner, it follows that the subject matter of claim 16 would not have been obvious. The 35 USC §103(a) rejection of claim 16 is thus unsupported and should be withdrawn.

- Regarding claim 17, the Examiner says Crinion discloses that "the housing is removably adhesively attachable or secured to the clean room ceiling (col. 2, lines 53-61)." However, Applicant finds no mention or suggestion of adhesive attachment in Crinion—the passage identified by the Examiner deals with magnetic, not adhesive, attachment. The cited prior art thus provides no apparent reason for one of ordinary skill in the art to make the combination suggested by the Examiner. It follows that the subject matter of claim 17 would not have been obvious and that the 35 USC §103(a) rejection of claim 17 is unsupported and should be withdrawn.

Claims 18-26 stand rejected under 35 USC §103(a) as being unpatentable over United States Patent No. 6414801 Roller in view of United States Patent No. 5205632 Crinion and further in view of United States Patent No. 5526236 Burnes *et al*. The Examiner says:

"It would have been obvious to one ordinary skill in the art at the time of the invention was made to utilize the catadioptric LED assembly of Roller ('801) in view of Crinion ('632) with the DC-DC in-line converter disclosed by Burns ('236) for the benefit and advantage to provide a lighting device having a boost regulator circuit including an input voltage coupled to the pin of a DC-DC converter and to one side of an inductor, whereby in operation, the DC passes into the boost regulator circuit at certain point, discharges through the inductor and the LEDs. Therefore, it will be seen that the light device provides an effective LEDs lighting means within an exit sign, because the exit sign using the LEDs lighting device has the same amount of illumination as found in exit signs or ceiling using traditional incandescent lamps while at the same time greatly reducing power consumption."

With respect, there is no apparent reason for one of ordinary skill in the art to make the combination suggested by the Examiner. Burnes *et al* describe two different operating modes, namely "normal" operation during which a higher voltage power source such as a building's utility power is supplied to the device, and "emergency backup" operation during which a lower voltage power source such as a battery supplies power when utility

power to the building is discontinued (column 1, lines 8-16 and column 2, lines 27-35). As explained by Burnes *et al* at column 4, lines 52-58: "When the utility power is not supplied...the...boost regulator circuit...boosts the battery voltage to a level sufficient to operate the light emitting diodes." By contrast, Roller is concerned with vehicle running lights. It is well known that vehicle lights are powered by the vehicle's on-board battery, generator or alternator which together provide substantially constant voltage. More particularly, a typical vehicle battery produces a constant voltage of about 12 Vdc. When the vehicle is operating and the alternator is turning, the resultant voltage is about 13.8 Vdc (determined by the regulator setting) to maintain a voltage higher than the battery voltage to induce charging. There is accordingly no need to "boost" a vehicle light's power source in the manner described by Burnes *et al*. Since the cited prior art provides no apparent reason for one of ordinary skill in the art to make the combination suggested by the Examiner, it follows that the subject matter of claims 18-26 would not have been obvious. The 35 USC §103(a) rejection of claims 18-26 is thus unsupported and should be withdrawn.

Supplemental Disclosure Statement Pursuant to 37 C.F.R. §1.56

The Examiner's attention is drawn to the additional references listed on the attached copy of form PTO-1449. The listed references were cited in an International Search Report mailed 12 February 2003 by the European Patent Office in respect of Applicant's corresponding P.C.T. application. A copy of the International Search Report is enclosed, togther with a copy of its Annex and copies of each of the listed references. The $180 fee prescribed pursuant to 37 CFR §1.97(c)(2) and 37 CFR §1.17(p) is enclosed.

In accordance with the foregoing it is submitted that this application is in condition for allowance, which is requested.

Respectfully submitted,

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